

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

WILLIAM J. PASSARELLA,

Plaintiff,

v.

ELIZABETH CELLINI,

Defendant.

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CIVIL ACTION NO. 18-5641

ORDER

AND NOW, this 31st day of January, 2019, after considering the application for leave to proceed *in forma pauperis*, prisoner trust fund account statement, and complaint filed by the *pro se* plaintiff, William J. Passarella (“Passarella”) (Doc. Nos. 1–3); and for the reasons set forth in the separately filed memorandum opinion, it is hereby **ORDERED** as follows:

1. The application for leave to proceed *in forma pauperis* (Doc. No. 1) is **GRANTED** and Passarella has leave to proceed *in forma pauperis*;

2. Passarella, #LG-6537, shall pay the full filing fee of \$350.00 in installments, pursuant to 28 U.S.C. § 1915(b). Based on the financial information Passarella has provided, the court assesses an initial partial filing fee of \$1.32. The superintendent or other appropriate official at SCI–Mahanoy or at any other prison at which Passarella may be incarcerated is directed to deduct \$1.32 from Passarella’s prisoner trust fund account, when such funds become available, and forward that amount to the Clerk of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Room 2609, Philadelphia, PA 19106, to be credited to Civil Action No. 19-91. After the initial partial filing fee is collected and until the full filing fee is paid, the superintendent or other appropriate official at SCI–Mahanoy or at any other prison at which Passarella may be incarcerated, shall deduct from Passarella’s account, each time that Passarella’s

prisoner trust fund account exceeds \$10.00, an amount no greater than 20 percent of the money credited to his account during the preceding month and forward that amount to the clerk of court at the address provided above to be credited to Civil Action No. 18-5641;

3. The complaint (Doc. No. 2) is **DEEMED** filed;

4. The complaint is **DISMISSED** as follows: (a) Passarella's federal claims are **DISMISSED WITH PREJUDICE**; and (b) Passarella's state law claims are **DISMISSED WITHOUT PREJUDICE** to Passarella filing a complaint in state court so that he may proceed on his state law claims in that venue. Passarella may not file an amended complaint in this case;

5. The clerk of court is **DIRECTED** to send a copy of this order to the superintendent of SCI-Mahanoy; and

6. The clerk of court shall mark this matter as **CLOSED**.

BY THE COURT:

/s/ Edward G. Smith
EDWARD G. SMITH, J.